

PROBATE CALENDAR NOTES

December 3, 2013

1:30 p.m., Department 40

The following are the Probate Calendar Notes for the probate calendar set for hearing December 3, 2013, in Department 40, Commissioner Michael A. Jacques, presiding. Department 40 is located at 10820 Justice Center Drive, Roseville, in the Santucci Justice Center.

Pursuant to Local Rule 80.1.4, these calendar notes are not a tentative ruling on the merits of any matter before the court. If you have questions regarding the calendar notes, please contact the probate research attorney at (916) 408-6119. Do not contact Department 40 directly.

IF THE CALENDAR NOTES STATE THAT A DOCUMENT IS MISSING AND YOU HAVE A FILE-ENDORSED COPY OF THAT DOCUMENT, PLEASE FAX A COURTESY COPY OF THAT DOCUMENT TO (916) 408-6275. THE COURT DOES NOT ACCEPT DIRECT FAXES FOR FILING. ANY UNFILED DOCUMENT FAXED TO THIS LINE WILL NOT BE FILED.

Updated calendar notes will ordinarily be posted on the court day prior to the calendar, and may be posted at any time. Please do not call the probate research attorney regarding the calendar notes until after checking for any updated notes.

1. S-PR-0000138 Koshman, Alex, Family Revocable Trust, In the Matter of

Appearance is required for hearing. *Additional calendar notes may be made available later. Please check for updated notes.*

2. S-PR-0005503 Pylman, Andrew Todd - In Re the Estate of

Appearance is required for

3. S-PR-0006049 Nebre, Regina T. - In Re the Estate of

It is recommended that waivers of account by other trust beneficiaries be required or that petitioner be required to file a final account.

4. S-PR-0006361 Thomas, Jo Ann - In Re the Estate of

Missing service of notice of hearing to Shane Thomas. Service in-care-of another person is insufficient absent written authorization for such service, C.R.C. 7.53, Prob.C. § 1214.

5. S-PR-0006478 Woods, Floyd B. - In Re the Estate of

Appearance of counsel is required for hearing on petition for final distribution.
Accounting shows payment of attorney fees in June 2012 without court authorization.

6. S-PR-0006768 Riolo, Peter Daniel Jr. - In Re the Estate of

Missing notice of hearing, service of notice of hearing, and proof of publication. The need for publication was explained carefully in the court's order of November 7, 2013.

7. S-PR-0006842 King, Kazuko Fujioka - In Re the Estate of

Petition for final distribution is recommended for approval as prayed.

8. S-PR-0006917 Woods, Raymond W. - In Re the Trust of

The parties have requested this matter be continued to January 28, 2014, the date of petitioner's motion for summary judgment.

It is recommended that his matter be continued to January 28, 2014, 1:30 p.m., in Department 40.

9. S-PR-0007058 Liptai, Mary Ann - In Re the Trust of

It is recommended the petition be denied. The Probate Code does not permit petitions to the court for the determination requested. The Probate Code sections for such petitions (former Probate Code §§ 21300-20307) were repealed effective January 1, 2010, for all trusts which became irrevocable after January 1, 2001. This trust was fully amended and restated in 2013.

10. S-PR-0007059 O'Hara, Thomas III - In Re the Estate of

Missing proof of publication.

11. S-PR-0007088 Salter, Alton Frank - In Ren the Estate of

Missing proof of publication.

12. S-PR-0007100 Asplund, Young A. - In Re the Matter of

Appearance is required for hearing on petition re particular transaction.

Missing citation and personal service of citation, Prob.C. § 3130.

The petition and proposed trust raise many issues that do not appear satisfactorily explained, including the need to transfer all property to petitioner personally, divesting respondent of all ownership rights, based only on the stated *intention* to fund the proposed trust; the need for any requested relief where petitioner alleges he has had exclusive and full management of estate property for almost a decade; why the petition never mentions

that the proposed trustee of the trust will not be petitioner; inconsistent trust provisions re amendment (§§ 3.01 & 3.02, etc.); the probable income tax consequences of transfer of ownership of respondent's retirement accounts, and other issues. Note that an order purporting to permit petitioner only to "manage" respondent's separate property retirement accounts is not a "transaction" under Prob.C. § 3102.

Due to court error, petitioner's ex parte application for appointment of counsel for respondent was not reviewed prior to review of the § 3100 petition. The court has signed the proposed order, appointing Robin Diamond as counsel for respondent as of November 27, 2013. Missing appearance by / report of court-appointed counsel.

13. S-PR-0007104 Hender, Barbara Lorado - In Re the Estate of

Missing original will.

Missing proof of publication.

14. S-PR-0007105 Ray, John N., Jr. - In Re the Estate of

Petition contradictorily alleges that decedent was and was *not* survived by children, ¶ 5(a)(5)-(6).

Petition alleges all beneficiaries have waived bond. Missing waiver of bond by any beneficiary. The alleged intention to place real property sale proceeds at some future date is not sufficient for waiver of bond on this petition. Missing prayer for bond amount.

15. S-PR-0007106 Scott, William A., Sr. - In Re the Estate of

Missing notice of hearing. Form DE-121 is mandatory.

Missing service of notice of hearing.

Missing proof of publication.

Missing relationship of persons listed in ¶ 8 to decedent. ¶ 8 omits all grandchildren who are beneficiaries under the will.